



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

JOHN F. KENNEDY FEDERAL BUILDING
BOSTON, MASSACHUSETTS 02203-0001



SEMS DocID

657603

URGENT LEGAL MATTER -- PROMPT REPLY NECESSARY

November 27, 1995

Mr. Robert Mercier
Billerica Town Hall
365 Boston Road
Billerica, MA 01866

Re: **REQUEST FOR ACCESS TO PROPERTY**
Roy Brothers Haulers
764 Boston Road
Billerica, MA
MAD009870643

Dear Mr. Mercier:

The United States Environmental Protection Agency (EPA) respectfully requests permission for EPA, its agents, contractors, and other authorized representatives to have access to your property, identified by the Billerica Tax Assessor as Plate 90, Lot 224, in Billerica, Massachusetts.

EPA requests access to your property to conduct or oversee a CERCLA site evaluation of the nearby Roy Brothers Haulers site. Entry to your property to conduct this activity is authorized by Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e). This authorization provided by CERCLA includes access to private property in order to determine the need for response actions, to perform response actions, and to enforce CERCLA. Entry by EPA is also authorized under Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6297. Under that section EPA may enter property where hazardous wastes are or have been disposed of, transported from, generated, stored, or treated in order to enforce the provisions of RCRA.

CERCLA site evaluation activities may include information-gathering to determine whether hazardous substances, pollutants, and contaminants may be, or may have been released to the environment. In addition, EPA and its representatives may drive vehicles onto the site, collect samples, take photographs, and dispose of small amounts of decontamination fluid on the property. EPA or its representatives will offer the owner or company representative(s) replicates of the samples collected if requested. Prior to leaving the property, the EPA representatives will supply the owner or company representative(s) with a receipt for samples collected on the property.



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Request for Access
Mr. Robert Mercier
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Please signify your consent to access by signing this document in the space provided below, and return the signature page to me at the following address:

Nancy Smith (Mail Code: HSS)
U.S. Environmental Protection Agency
JFK Federal Building
Boston, MA 02203-2211

If EPA does not receive a reply within **ten (10) business days** of your receipt of this letter, it will become necessary for EPA to employ other means to obtain access. Such means may include issuing an administrative order or bringing an action in federal court to secure EPA's right to access.

Your cooperation in assisting with completion of CERCLA site evaluation activities is appreciated. If you have any questions regarding the activities we plan to conduct onsite, I may be contacted at (617) 573-9697. All other communications should be directed to Ms. Marsha Lamel of the EPA New England Office of Regional Counsel at (617) 565-3435.

Sincerely,



Nancy Smith
Site Assessment Manager
Superfund Support Section
Waste Management Division

cc: Mr. Jack Padden, Roy F. Weston, Inc.
Mr. Harish Panchal, MA DEP

CONSENT FOR ACCESS TO PROPERTY

I (We), the Owner(s) of Lot 224 on Plate 90 in Billerica, MA, as identified by the Billerica Tax Assessor's office, shall permit EPA's officers, employees, agents, contractors, subcontractors, consultants, and other authorized representatives, to enter and have access to this property for the purpose of conducting a CERCLA site evaluation.

I (we) realize that these actions are undertaken under EPA's response and enforcement authorities under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9604(e) and under Section 3007 of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6297.

I (We) give this written permission voluntarily with knowledge of my (our) right to refuse, and without threats or promises of any kind.

Signature of Property Owner/Operator
or Authorized Representative(s)

Date

NAME: _____
ADDRESS: _____

PHONE NUMBER: _____

CONSENT OF ADDITIONAL OWNER(s)

Signature of Property Owner/Operator
or Authorized Representative(s)

Date

NAME: _____
ADDRESS: _____

PHONE NUMBER: _____

W(S)